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May 27, 2021

VIA ECF

The Honorable Denise L. Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Wilmington Trust, N.A. v. Steak 'n Shake Inc., 1:21-cv-02495

Dear Judge Cote:

We represent Defendant and Counterclaim-Plaintiff Steak 'n Shake Inc. ("Steak 'n Shake") in the above referenced matter. We write on behalf of Steak 'n Shake and Plaintiff and Counterclaim-Defendant Wilmington Trust, N.A. ("Wilmington") to jointly respectfully request an adjournment of the Rule 16 case management conference scheduled for June 4, 2021. This is the first request for adjournment of this conference.

The current schedule is based on Wilmington's filing of the Complaint on March 23, 2021, setting Steak 'n Shake's deadline to move, answer, or otherwise respond as May 24, 2021. On May 24, Steak 'n Shake filed its Answer and Counterclaims against Wilmington. The parties have conferred and respectfully submit that, because Wilmington must now move, answer, or otherwise respond to Steak 'n Shake's Counterclaims, it would not be in the interests of efficiency or judicial economy to hold the Rule 16 conference before Wilmington has done so.

Wilmington's current deadline to move, answer, or otherwise respond to the Counterclaims is June 14, 2021. Wilmington has requested an extension of that deadline, and Steak 'n Shake is amenable to that request. Accordingly, the parties respectfully request that Wilmington's deadline to move, answer, or otherwise respond to the Counterclaims be adjourned to July 9, 2021. This is the first request for extension of this deadline. The parties respectfully submit that it would serve the interests of efficiency and judicial economy if the Rule 16 conference were scheduled at the Court's earliest convenience after July 9, 2021.

*The June 14 date is extended to
July 8, 2021. The conference is
adjourned to July 9 at 5:00 pm.
Denise Cote*

cc: All Counsel of Record via ECF

Respectfully Submitted,

/s/ Christopher J. Clark
Christopher J. Clark
of LATHAM & WATKINS LLP

5/28/21